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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

EARVIN VLADE MEDRANO AVALOS,

Defendant and Appellant.

H042942

(Santa Cruz County

Super. Ct. No. F28104)

Defendant Earvin Vlade Medrano Avalos pleaded no contest to carjacking. (Pen. Code, § 215, subd. (a).)<sup>1</sup> He admitted committing the offense at the direction of, or for the benefit of, a criminal street gang. (§ 186.22, subd. (b)(1).) The trial court imposed a total term of 15 years in state prison.

We appointed counsel to represent defendant in this court. Appointed counsel filed an opening brief stating the case and the facts, but raising no specific issues on appeal. We notified defendant of his right to submit written argument on his own behalf within 30 days. The deadline has passed and we received no response.

We have reviewed the entire record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). (See also *People v. Kelly* (2006) 40 Cal.4th 106.) We conclude there is no arguable issue on appeal, and we will affirm the judgment.

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<sup>1</sup> Subsequent undesignated statutory references are to the Penal Code.

## **I. FACTUAL AND PROCEDURAL BACKGROUND**

### *A. Facts of the Offense<sup>2</sup>*

On January 9, 2015, at 7:58 p.m., Sara G. was sitting in her car outside her home in Watsonville. Defendant and two other males approached the driver's side of the car. While one of the other males pointed a gun at the victim, defendant told her to get out of the car. Defendant also demanded money and the victim's cell phone. The victim told the men she had no money or cell phone, and she got out of the car. The three men got into the car and defendant drove it away.

The victim called 911 from her husband's cell phone. Police spotted the car on northbound Highway 1 and a high speed chase ensued. After the car crashed into a parked car, police took one of the men into custody. Defendant was later arrested by Santa Cruz police at another location. The victim identified defendant in a field show up.

### *B. Procedural Background*

The prosecution charged defendant by felony complaint with three counts: Count One—Street terrorism (§ 186.22, subd. (a)); Count Two—Evading an officer (Veh. Code, § 2800.2, subd. (a)); and Count Three—Carjacking (§ 215, subd. (a)). As to Count Three, the complaint alleged that a principal personally used a firearm in the commission of the offense. (§ 12022.53, subs. (b) & (e)(1).) The complaint further alleged that Counts Two and Three were committed at the direction of, for the benefit of, or in association with a criminal street gang. (§ 186.22, subd. (b)(1).)

The parties reached a plea agreement in July 2015. In exchange for a total sentence of 15 years, defendant pleaded no contest to Count Three (carjacking) and admitted the offense was committed at the direction of, or for the benefit of, a criminal street gang. The trial court imposed a total term of 15 years, equal to the midterm of five years on Count Three with a consecutive ten year term for the gang enhancement.

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<sup>2</sup> Our recitation of the facts is based on those set forth in the probation report.

## **II. DISCUSSION**

We reviewed the entire record under *Wende, supra*, 25 Cal.3d 436. We find defendant was adequately advised of his rights and the consequences of his plea. Defendant freely, knowingly, and intelligently waived his rights and entered his plea. No sentencing error appears.

In his notice of appeal, defendant denied that he used a firearm in the commission of the offense, and he asserts that no firearm was ever recovered in connection with the offense. He further asserts that the victim made contradictory statements about whether she saw a gun. Defendant also contends he was “excessively charged” and wrongly convicted. We find nothing in the record to support defendant’s factual claims. Furthermore, his plea arrangement included no firearm charges or enhancements.

We conclude there is no arguable issue on appeal, and we will affirm the judgment.

## **III. DISPOSITION**

The judgment is affirmed.

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Márquez, J.

WE CONCUR:

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Rushing, P. J.

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Grover, J.